

REMARKS:

In the outstanding Office Action, claims 1, 3-6, 15-19 and 21-26 were rejected. Claims 1, 3-6, 15-19 and 21-26 have been amended, and claims 2, 7-14 and 20 remain cancelled. New claim 27 has been added. Thus, claims 1, 3-6, 15-19 and 21-27 are pending and under consideration. No new matter has been added. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. §102(b):

Claims 1, 3, 4, 6, 15, 16, 18 and 19 were rejected as being anticipated by U.S. Patent No. 5,642,410 (Walsh).

Walsh executes established precedential rules for retrieving data from different databases in response to transmitted call information. A middleware program operates on a computer connected with a telephone system using user entered numbers and dialing parameters so that the data is retrieved from the different databases in response to call information transmitted by the telephone system (see, col. 6, lines 15-25). For example, a user enters commands required to retrieve grades of a student and enters another command string required to retrieve financial aid information of the student using a phone number (see, col. 6, lines 41-58 and col. 8, lines 34-56). That is, Walsh is limited to retrieving data from different databases in response to user set numbers and dialing parameters.

In contrast, the present invention manages a portable terminal equipment (or a portable apparatus) usable by a particular user, and automatically selects a function and information of the portable terminal equipment. This enables management of a function and information of the portable terminal equipment by triggering the function and storage of the information by use situations of the portable terminal equipment.

Independent claims 1 and 6 as amended recite, "... [a] portable apparatus usable by a particular user" that is configured to "automatically select a function of the portable apparatus usable by the particular user and/or information stored in the portable apparatus from the managing part depending on the using situation set by the switch... to make the selected function and/or information of the portable apparatus usable by the particular user".

Similarly, independent claims 18 and 19 recite, "... [a] portable information terminal equipment usable by a particular user" that executes operations including "automatically selecting a function of the portable information terminal equipment and/or information stored in the portable information terminal equipment that are managed by the managing depending on

the using situation... and making the selected function and/or information usable by particular user”.

Walsh does not teach or suggest, “a portable apparatus usable by a particular user” configured to “automatically select a function of the portable apparatus and/or information stored in the portable apparatus” (claims 1 and 6), and “a portable information terminal equipment usable by a particular user” that executes operations including “automatically selecting a function of the portable information terminal equipment and/or information stored in the portable information terminal equipment” (claims 18 and 19).

It is submitted that the independent claims are patentable over Walsh.

For at least the above-mentioned reasons, claims depending from independent claims 1, 6, 18 and 19 are patentably distinguishable over Walsh. The dependent claims are also independently patentable. For example, as recited in claim 15, “said control part determines an accounting destination depending on whether the using situation is a business mode for business use or a private mode for personal use”. The Walsh method does not teach or suggest providing “said control part determines an accounting destination depending on whether the using situation is a business mode for business use or a private mode for personal use”.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §103(a):

Claims 5, 17 and 21-26 were rejected as being unpatentable over the combination of Walsh and U.S. Patent No. 6,047,062 (Bijman) or U.S. Patent No. 6,477,374 (Shaffer).

The above arguments in relation to independent claims 1 and 6 are incorporated herein in relation to dependent claims 5 and 17 that depend on independent claims 1 and 6, respectively.

Bijman monitors an incoming ringing signal and extracts a calling party's name and telephone number (see, column 2, lines 23-26) for comparison of the same with a stored number (see, column 2, lines 23-26). Then, if the comparison does not result in a match, Bijman updates the stored number to be consistent with the extracted number (see, column 2, lines 27-33).

Claims 5 and 17 recite that the managing part provided to the portable apparatus of the present invention “manages the linked functions and/or information as a database, and

automatically adds to the database data which depend on the using situation and are not included in the database”.

The combination of Walsh and Bijman does not teach or suggest a portable apparatus usable by a particular user that “manages the linked functions and/or information as a database” and “automatically adds to the database data which depend on the using situation and are not included in the database”, as recited in claims 5 and 17.

The Examiner acknowledges that Walsh does not specify that the terminal equipment detects the using situations based on time and position information, thus relies on Shaffer as teaching the same. However, Shaffer is limited to routing a call to a user based on a pre-programmed calendar of time-date associations in relation to the user (see, col. 3, lines 2-7).

As recited in amended independent claim 21, the portable apparatus usable by a particular user includes, “a switch indicating one of a business mode for business use and a private mode for personal use, of the portable apparatus usable by the particular user, based on the time of day” and “a control unit automatically selecting at least one of a function of the portable apparatus usable by the particular user, and making the at least one of function and information of the portable apparatus selected usable by the particular user”.

The combination of Walsh and Shaffer does not teach or suggest, “... indicating one of a business mode and a private mode, of the portable apparatus, based on the time of day” and “automatically selecting at least one of a function of the portable apparatus usable by the particular user, and making the at least one of function and information of the portable apparatus selected usable by the particular user”, as recited in independent claim 21.

For at least the above discussed patentably distinguishing features of claim 21, dependent claims are also patentably distinguishable over the combination of combination of Walsh and Shaffer.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

New claim 27 emphasizes that the present invention includes “classifying uses executed using the terminal into a first operation mode and a second operation mode while the uses are being executed” and “controlling the terminal to switch between the first operation mode when a first data is transmitted using the terminal and the second operation mode when a second data is transmitted using the terminal”. This enables the terminal to be automatically switched

between modes of operation, unlike Walsh that requires entry of commands by a user to setup data retrieval of the data.

The cited references, either alone or in combination, do not teach or suggest, "classifying uses executed using the terminal..." and "controlling the terminal to switch between the first operation mode when a first data is transmitted using the terminal and the second operation mode when a second data is transmitted using the terminal", as recited in new claim 27.

It is respectfully submitted that new claim 27 is patentably distinguishable over the cited references.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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